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September 14, 2023

VIA ECF

United States District Court
Eastern District of New York
Attn: Hon. Nina R. Morrison, U.S.D.J.
225 Cadman Plaza East
Courtroom 6E North
Brooklyn, NY 11201-1804

Re: Paccha v. APS Electric, Inc., et al.
Case No: 1:23-cv-2075 (NRM) (MMH)
MLLG File No.: 86-2023

Dear Judge Morrison:

This office represents the Defendants APS Electric, Inc. (hereinafter “APS” or the “Corporate Defendant”) and Mikhail Mikhaylov (hereinafter “Mikhaylov” or the “Individual Defendant”) (the Corporate Defendant and the Individual Defendant collectively hereinafter the “Defendants”) in the above-referenced case. See Docket Entry 11. Defendants write pursuant to this Court’s Individual Practice Rules (“IPR”) to respectfully request a two (2) week extension of time to serve Defendants’ motion to dismiss and compel arbitration pursuant to IPR § 5.2.3.1.

Pursuant to IPR § 1.7, Defendants respectfully submit that:

- (i) the reason for the request is because your undersigned is required to appear in-person tomorrow at 10:30 AM before the Hon. James M. Wicks, U.S.M.J. (“Judge Wicks”) for a settlement conference scheduled today following extensive oral argument before the Hon. Orelia E. Merchant, U.S.D.J. (“Judge Merchant”) in Superb Motors Inc. v. Deo, Case No.: 2:23-cv-6188 (OEM) (ST) in relation to an emergency Order to show cause for a preliminary injunction and need additional time to complete the motion papers in this case, specifically, the declaration in support;
- (ii) the original date the motion is due to be served is tomorrow, September 15, 2023;
- (iii-iv) there have been no previous requests for an extension of time of the instant deadline;
- (v) Plaintiff consents so long as all opposition and reply deadlines are reciprocally extended by two (2) weeks, to which Defendants consent;

(vi) the proposed amended briefing schedule is
(a) moving papers by Friday, September 29, 2023
(b) opposition papers by Monday, October 30, 2023 and
(c) reply papers by Tuesday, November 14, 2023;

(vii) Defendants are not aware of any other scheduled dates that would be affected by the requested extension; and

(viii) Defendants were prepared to serve their moving papers tomorrow; however, in light of the unpredictability of when the conference before Judge Wicks will end and the Jewish holiday starting tomorrow, Defendants only learned of the need for an extension of time this afternoon and thus could not have known to submit the instant request for an extension two (2) working days prior to the deadline.

In light of the foregoing, Defendants respectfully submit that there exists good cause and excusable neglect warranting this Court's exercising its discretion in favor of granting the requested extension. See Fed. R. Civ. P. 6(b)(1)(B).

Defendants thank this honorable Court for its time and attention to this case

Dated: Lake Success, New York
September 14, 2023

Respectfully submitted,

MILMAN LABUDA LAW GROUP PLLC

/s/ Emanuel Kataev, Esq.

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